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FLOOR DEBATE

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Nebraska Public Power a viable option. I hope most of you had a chance to read an article in Sunday's Omaha paper talking about the new person they're bringing in to manage it. Maybe we'll pass this and we'll find out NPPD would choose not to go this route, but we don't know that. It looks like a good option. It seems like the prudent thing to do here would be to move it to Select File, get some direction from NPPD and see what would happen from that point on. So with that, I give my time back to the Chair.

PRESIDENT HEINEMAN: Thank you, Senator Schrock. The Chair would recognize Senator Beutler to reopen on his amendment.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, since last Friday, I've had an opportunity to look at the bill and an opportunity to talk with NPPD with respect to the bill. And they agreed that there are three areas where they will take a very close, and serious, and friendly look. Those three areas are as follows: The bill itself says that NPPD, for example, may indemnify a public or private entity. With regard to the private entity, it doesn't distinguish in the bill between a not-for-profit entity and a for-profit private entity. And so I've asked them why we could not amend the bill to insert not-for-profit private entity, so that it was limited to a not-for-profit. That has been the expressed intent in all of the materials that have been distributed on this particular matter, and they have identified NMC as a not-for-profit corporation, notwithstanding the fact that it's an LLC, and I think there needs to be some clarification as to what the legal mechanism is by which this particular LLC will operate as a not-for-profit. So those are really two different questions, but questions from my perspective that is probably the most important to resolve. If what we're doing here is turning over to another not-for-profit the operation of this plant on the theory that one who operates a number of these types of plant has an advantage or several advantages, I don't object to that thought. However, if we're turning it over to a private entity that is not not-for-profit, but is for-profit, then I think we're making an admission that is highly destructive to the whole idea of public power and we ought not to do that. If we're going to turn it over to a profit corporation that will